

Notice of Allowability

Application No.

10/583,743

Examiner

Vivian Chen

Applicant(s)

HAYAKAWA ET AL.

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the preliminary amendments filed 6/20/2006 and 7/11/2006.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Reasons for Examiner's Amendment

The two paragraphs of the abstract have been rearranged and combined to form a single paragraph and to improve legibility.

3. The application has been amended as follows:

In the Abstract,

the Abstract has been replaced in its entirety by the following:

-- A heat-shrinkable polyester film having a multi-layer structure of at least two layers, among which at least one layer is a layer containing a PET bottle-recycled material, wherein a heat shrinkage percentage in a maximum shrinkage direction of a 10 cm square sample cut out from the film is 40 % or higher, under the condition that the square sample is immersed in hot water of 95°C for 10 seconds and then immersed in water of 25°C for 10 seconds, to provide a heat-shrinkable polyester film which has excellent characteristics and which can be produced at a high rate, even when a PET bottle-recycled material is used. --

4. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to disclose or suggest a multilayer heat-shrinkable polyester film comprising at least one layer of a recycled PET bottle material, wherein the film comprises the recited polyester and has the recited shrinkage under the specified conditions. JP 2002-302177 and JP 08-156209 and JP 06-047810 and ITO ET AL 2003/0170427 and ITO ET AL 6,451,445 fail to disclose the recited degree of shrinkage under the specified conditions; ITO ET AL '502 and TABOTA ET AL '929 and JP 2000-309071 and HAYAKAWA ET AL 2004/0191493 and ITO ET AL 2005/1096563 and ITO ET AL 2006/0057346 and ITO ET AL 6,720,085 and MORI ET AL '685 and HAYAKAWA ET AL 6,958,178 fail to disclose the use of recycled PET bottle polymer in heat-shrinkable films; BUONGIORNO ET AL '660 and KNEALE ET AL '212 fail to disclose heat-shrinkable films made of polyester; JP 10-138355 and EP 0928683 and JP 07-323511 and KIMMEL ET AL '128 and TSUNEKAWA ET AL '898 and HEBRINK ET AL '515 fail to disclose heat-shrinkable films.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chen whose telephone number is (571) 272-1506. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

The General Information telephone number for Technology Center 1700 is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 23, 2007



Vivian Chen
Primary Examiner
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